

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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|--------------------|---|--------------------------|
| HARRY LEE JACKSON, |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| v. |) | CASE NO. 3:09-cv-695-MEF |
| |) | |
| MEAD WESTVACO, |) | |
| |) | |
| DEFENDANT. |) | |

ORDER

This cause is before the Court on the Motion for Summary Judgment (Doc. # 22) filed on December 1, 2009, by Plaintiff Harry Lee Jackson, and Recommendation of the Magistrate Judge (Doc. # 23) addressing that motion; and the December 18, 2009 Objection to Recommendation (Doc. # 24) filed by Plaintiff. In accordance with Federal Rule of Civil Procedure 72, this Court has reviewed Plaintiff's objection, the Magistrate Judge's Recommendation, and Plaintiff's original motion. In his Order, the Magistrate Judge set forth an appropriate basis for his decision to deny Plaintiff's Motion for Summary Judgment. While it is true that along with his Objection, Plaintiff filed some evidentiary materials in support of his motion which were not previously submitted, the Court finds the evidence submitted insufficient to establish that there are no genuine issues as to any material fact. This Court finds that the Magistrate Judge's Order is neither clearly erroneous, nor contrary to law. *See* Fed. R. Civ. P. 72(a). Therefore, Motion for Summary Judgment (Doc. # 22) is DENIED and Plaintiff's objections (Doc. # 24) are OVERRULED. It is further ORDERED

that the Recommendation of the Magistrate Judge (Doc. # 23) is ADOPTED. It is further ORDERED that this case is hereby REFERRED back to the Magistrate Judge for appropriate action or recommendation on all pretrial matters.

DONE this the 23rd day of December, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE